



## CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28710**", the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> day of September, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **29<sup>th</sup> day of September, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,  
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **October 30, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30<sup>th</sup> day of September, 2009**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28710**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTH OF LEWIS ROAD, ON BOTH SIDES OF GARDEN AVENUE, WALL STREET AND WATER STREET NORTH OF SOUTHSIDE DRIVE, AND ALSO THE REAL PROPERTY SITUATED SOUTH OF SOUTHSIDE DRIVE, ON BOTH SIDES OF GARDEN AVENUE AND EAST OF WATER STREET, NORTH OF A STRAIGHT LINE EXTENDING WEST OF JACKIE DRIVE, FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT**

**WHEREAS**, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to the R-1-8 Single-Family Residence Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject prezoning from unincorporated County to R-1-8 Single-Family Residence Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such proposed project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single-Family Residence Zoning District.

The subject property referred to in this section is all that real property situated in

the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. C09-013 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this 15<sup>th</sup> day of September, 2009 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,  
LICCARDI, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

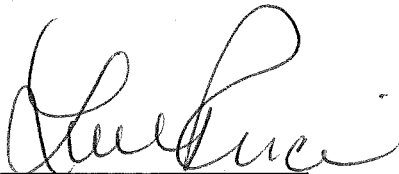
ABSENT: CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

## EXHIBIT ' \_\_\_\_\_ '

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: FRANKLIN NO. 54

R-1-8 Zoning District

Date: \_\_\_\_\_

All that certain real property situated in the County of Santa Clara, State of California, being all of Lots 1-23, Lots 25-40, all of Garden Avenue, a portion of Lewis Road, and a portion of Southside Drive as shown on Tract No. 585 "Fanelli Tract" recorded on August 22, 1949 in Book 24 of Maps at Pages 24-25, Records of Santa Clara County, all of Lots 1-3, Lots 6-26, a portion of Water Street, a portion of Southside Drive, and all of Wall Street as shown on Tract No. 355 "Southside Tract" recorded on September 3, 1946 in Book 11 of Maps at Pages 44-45,

- all of Parcel One as described in the Trust Transfer Deed recorded on February 27, 2006 as Document No. 18821625 Official Records of Santa Clara County
- all of Parcel One as described in the Grant Deed recorded on January 18, 2002 as Document No. 16063818, Official Records of Santa Clara County
- all of Parcel No. 1 as described in the Grant Deed recorded on April 11, 2001 as Document No. 15631643, Official Records of Santa Clara County
- all of the property described in the Grant Deed recorded on November 16, 1994 in Book N669 at Pages 366-367, Official Records of Santa Clara County
- all of Parcel One as described in the Grant Deed recorded on January 21, 1993 in Book N594, at Pages 136-139, Official Records of Santa Clara County
- all of the property described in the Quitclaim Deed recorded on April 6, 1992 in Book M127, at Pages 603-604, Official Records of Santa Clara County

said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Franklin No. 2, Franklin No. 28, Franklin No. 51, Franklin No. 13-C, Monterey Park No. 99, and Monterey Park No. 100, said property being more particularly described as follows:

## EXHIBIT '\_\_\_\_\_',

Beginning at the intersection of the southeasterly line of said Franklin No 2 with the northeasterly line of said Monterey Park No. 100, said Point also being the most northerly corner of the Lands of Mercier as shown on said Tract No. 585, said point also being 25 feet distant, measured at a right angle, from the centerline of Lewis Road as shown on said Tract No. 585; thence parallel with said centerline of Lewis Road, along said southeasterly line of Franklin No. 2, N 50°03'00" E 374.11 feet to the northeasterly line of said Tract No. 585, said northeasterly line of Tract No. 585 also being the southwesterly line of said Franklin No. 28; thence along said northeasterly line of Tract No. 585 and said southwesterly line of Franklin No. 28, S 38°31'55" E 1,231.38 feet to the most easterly corner of Lot 25 as shown on said Tract No. 585, said point also being the most northerly corner of said Franklin No. 51; thence along the general westerly line of said Franklin No. 51 the following courses:

- along the southeasterly line of said Lot 25, S 27°04'00" W 45.21 feet to the beginning of a tangent curve to the right, concave northwesterly, having a radius of 860.00 feet
- continuing along said southeasterly line of Lot 25, along said curve, through a central angle of 06°27'09", for an arc length of 96.85 feet to the beginning of a compound curve to the right, concave northerly, having a radius of 20.00 feet
- continuing along said southeasterly line of Lot 25, along said curve, through a central angle of 33°59'17", for an arc length of 11.86 feet
- S 38°30'00" E 66.10 feet to the beginning of a non-tangent curve to the left, concave easterly, having a radius of 20.00 feet, a radial line to said point bears N 54°30'46" W, said point also being on the westerly line of Lot 24 as shown on said Tract No. 585
- along said westerly line of Lot 24 and along said curve, through a central angle of 73°59'14", for an arc distance of 25.83 feet
- continuing along said westerly line of Lot 24, S 38°30'00" E 48.23 feet to the most southerly corner of said Lot 24
- along the southeasterly line of said Lot 24, N 51°30'00" E 157.66 feet to the most easterly corner of said Lot 24, said point also being on said southwesterly line of Franklin No. 28 and said northeasterly line of Tract No. 585;

## EXHIBIT ' \_\_\_\_\_ '

thence along said northeasterly line of Tract No. 585 and said southwesterly line of Franklin No. 28, S 38°31'55" E 225.00 feet to the most easterly corner of said Tract No. 585, said point also being on the northwesterly line of said Franklin No. 13-C; thence along the southeasterly line of said Tract No. 585 and said northwesterly line of Franklin No. 13-C, S 50°04'00" W 374.88 feet to the most southerly corner of said Tract No 585; thence leaving said northwesterly line of Franklin No. 13-C, along the southwesterly line of said Tract No. 585, N 38°30'00" W 296.75 feet to the centerline of Southside Drive as shown on said Tract No. 585; thence along said centerline of Southside Drive, S 50°04'00" W 330.28 feet to its intersection with the northwesterly projection of the northeasterly line of Lot 3 as shown on said Tract No. 355; thence along said northeasterly line of Lot 3, Tract No. 355 and its projection, S 38°30'00" E 296.75 feet to the southeasterly line of said Tract No. 355, said point also being on said northwesterly line of Franklin No. 13-C; thence along said southeasterly line of Tract No. 355 and said northwesterly line of Franklin No. 13-C, S 50°04'00" W 265.54 feet to the centerline of Water Street as shown on said Tract No. 355; thence along said centerline of Water Street, N 38°30'00" W 296.75 feet to its intersection with the centerline of Southside Drive as shown on said Tract No. 355; thence along said centerline of Southside Drive, S 50°04'00" W 150.00 feet to its intersection with the northwesterly projection of the general northeasterly line of Tract No. 7705, recorded on May 6, 1985 in Book 542 of Maps, at Pages 40-43, Records of Santa Clara County; thence along said projection of the general northeasterly line of Tract No. 7705, S 38°30'00" E 30.01 feet to the southeasterly line of said Southside Drive, said point being the most northerly corner of said Franklin No 45; thence along said southeasterly line of Southside Drive and the northwesterly line of said Franklin No. 45, S 50°04'00" W 49.98 feet to its intersection with the southeasterly projection of the southwesterly line of Lots 20-26 as shown on said Tract No. 355; thence along said southwesterly line of Lots 20-26, Tract No. 355 and its southeasterly projection, N 38°30'00" W 437.01 feet to the northwesterly line of said Tract No. 355, said point also being on the general southeasterly line of said Monterey Park No. 99; thence along said general southeasterly line of Monterey Park No. 99 the following courses:

## EXHIBIT '\_\_\_\_\_',

- along said northwesterly line of Tract No. 355, N 50°04'00" E 229.99 feet to the beginning of a non-tangent curve to the right, concave easterly, having a radius of 69.54 feet, a radial line to said point bears S 51°30'00" W, said point being on the northeasterly line of Water Street as shown on said Tract No. 355, said point also being the most southerly corner of said Document No. 16063818
- along the general northwesterly line of said Document No. 16063818 and along said curve, through a central angle of 37°26'40", for an arc length of 45.45 feet to the beginning of a reverse curve to the left, concave westerly, having a radius of 129.54 feet
- thence continuing along said general northwesterly line of said Document No. 16063818 and along said curve, through a central angle of 17°29'20", for a distance of 39.54 feet to an angle point
- along said general northwesterly line of Document No. 16063818 and the northwesterly line of said Document No. 18821625, N 50°04'00" E 299.04 feet to the most northerly corner of said Document No. 18821625
- along the northeasterly line of said Document No. 18821625, S 38°30'00" E 76.00 feet to said northwesterly line of Tract No. 355
- along said northwesterly line of Tract No. 355, N 50°04'00" E 50.00 feet to a point on the northeasterly line of Wall Street as shown on said Tract No. 355
- along said northeasterly line of Wall Street, S 38°30'00" E 125.63 feet
- N 50°04'00" E 183.48 feet to the most easterly corner of said Monterey Park No. 99, said point being on the southwesterly line of said Tract No. 585

thence along said southwesterly line of Tract 585, the northeasterly line of said Monterey Park No. 99, and the northeasterly line of said Monterey Park No. 100, N 38°30'00" W 1,066.07 feet to the Point of Beginning.

The described property contains approximately 22.89 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

The above description of real property was prepared by me in conformance with the requirements of Section 8726(g,k,l,m) of the Business and Professions Code of the State of California.



Patricia A. Cannon 8/20/09  
Patricia A. Cannon, PLS 8186